

June 24, 2014

*via email*

Jennifer T. Anderson, Esq.  
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Re: Unlawful Usage of CHIROCAROLINA™ Service Mark

***Subject to FRE 408***

Dear Jennifer:

We are in receipt of your letter dated June 9, 2014, and write to correct some misstatements and misconceptions contained therein.

Importantly, we are aware of ***at least*** seven instances of actual confusion in the last six months. To wit, it is our understanding that:

- One patient mistakenly called Dr. Williams' office and asked about the extensive insurance options advertised on our client's website. She was reportedly told by Dr. Williams' office that they also take a variety of insurances and invited to make an appointment with his office.
- Another patient called Dr. Williams' office inquiring about research publications authored by our client and showcased as press releases on our client's website and was reportedly told by Dr. Williams' office that the research was conducted by Dr. Williams and was invited to make an appointment with his office.
- Three former patients called Dr. Williams' office thinking that our client had a new location in Taylorsville because they were living nearby, and were each reportedly told by Dr. Williams' office that it was a new location of our client's practice, and invited to make an appointment with Dr. Williams' office.
- One patient called inquiring about Dr. Ali's participation in the OrthoCarolina Oscar Miller Day symposium and involvement with orthopedics on research papers. She was reportedly told by Dr. Williams' office that Dr. Williams was invited to this event, and invited to make an appointment with his office.
- One patient called Dr. Williams' office inquiring about our client's VA Hospital Satellite Clinic and treatment for Veterans. She was reportedly told by Dr. Williams' office that Dr. Williams was also on staff at the VA, that his office was a satellite treatment office, and was invited to make an appointment with his office.

Clearly, your client's behavior goes well beyond innocent confusion, and the above instances of actual confusion suggest that your client is actively seeking to confuse customers and palm off our client's reputation, as well as tortiously interfere with our client's prospective and existing

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business relations, in addition to engaging in false advertising under 15 U.S.C. § 1125(a), trademark infringement and false designation of origin.

Furthermore, we disagree with your contention that our client's website shows a first use date of 2013; indeed, a cursory review of the blog section of our client's website shows consistent use of the CHIROCAROLINA mark dating back to at least 2009. *See, e.g.,* <http://chirocarolinacharlotte.com/weekly-interesting-case/>. And we are unaware of any inconsistent or hyphenated use of the mark to which you refer in your letter.

Finally, we find your argument concerning the existence of other trademarks containing "some combination of the terms "Chiro" or "Chiropractic" and "Carolina"" to be unavailing. In view of the foregoing, we are confident that there is not only a likelihood of confusion, but also actual confusion, to which your client's bad behavior has contributed.

Please be assured that our client is prepared to take all necessary steps to protect its rights if your client does not immediately: (a) cease and desist from his unlawful use of our client's CHIROCAROLINA mark as requested in our initial letter; (b) identify to us: i) all persons who have contacted Dr. Williams' office and referenced or inquired about Dr. Ali and/or his CHIROCAROLINA practice; and ii) all instances in which a customer or patient (existing, former or prospective) has referenced or inquired about Dr. Ali or his practice's CHIROCAROLINA mark with Dr. Williams' office in any way; and (c) identify to us all sales derived from Dr. Williams' business since his adoption of the CHIROCAROLINA designation.

Please let us have your response within seven (7) days of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Hsia", written in a cursive style.

Sarah Hsia

cc: Jason M. Sneed, Esq. (by email)